

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA

Israel Bellamy, #152859,

Plaintiff,

-vs-

Pfc. Stephen R. Phillips,

Defendant.

Civil Action No. 6:05-428-SB

ORDER

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This matter is before the Court on the pro se Plaintiff's complaint alleging violations of his constitutional rights, pursuant to 42 U.S.C. § 1983. By local rule, the action was referred to United States Magistrate Judge William M. Catoe for preliminary review.

The Defendant filed a motion for summary judgment on October 6, 2005. The Magistrate Judge thereafter issued an order pursuant to Roseboro v. Garrison, 529 F.2d 309 (4th Cir. 1975), advising the Plaintiff of the procedure for summary judgment and of his obligation to file a timely response. When no such response was filed within the requisite period, the Magistrate Judge issued a second order on December 7, 2005, granting an additional period in which to file a response to the motion, and advising the Plaintiff that his failure to so respond would result in the dismissal of his case. Still, no response was filed.

On January 4, 2006, the Magistrate Judge issued a report recommending that this action be dismissed for failure to prosecute. Attached to the report was a notice giving the Plaintiff ten days in which to file specific, written objections. To date, no such objections have been filed.

Absent timely objection from a dissatisfied party, a district court is not required to review, under a de novo or any other standard, a magistrate judge's factual or legal conclusions. Thomas v. Arn, 474 U.S. 140, 150 (1985); Wells v. Shriner's Hosp., 109 F.3d 198, 201 (4th Cir. 1997). Here, since objections were not filed, there are no portions of the report and recommendation to which a de novo review must be conducted. Accordingly, the report and recommendation is hereby adopted as the order of this Court, and it is

ORDERED that this action is dismissed under Federal Rule of Civil Procedure 41(b) for failure to prosecute.

IT IS SO ORDERED.



Sol Blatt, Jr.
Senior United States District Judge

March 20, 2006
Charleston, S.C.

